

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

Jacqueline D. Berry,  
Plaintiff

:

:

v.

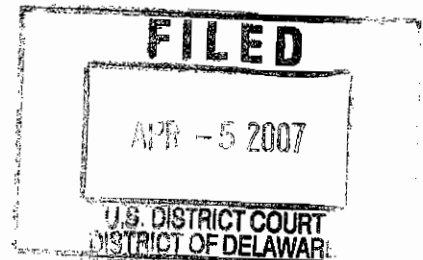
: C.A.No 1:06-cv-217 GMS

STATE OF DELAWARE,

:

DIVISION OF CHILD SUPPORT,

:



RESPONSE TO DEFENDANT ANSWER

*BDS scanned*

Plaintiff, Jacqueline D. Berry, responds to the answer of the Complaint under Title VII of the Civil Rights Act of 1964 by Defendant, State of Delaware, Division of Child Support Enforcement [hereafter "DSCE"] as follows:

1. This is a legal conclusion for which a response is required.
2. Defendant is with sufficient information to form a belief as to the truth of this paragraph.
3. Agree.
4. Denied. The discriminatory conduct is in connection with plaintiff's employment at, or application to be employed at, defendants Delaware Division of Child Support located at 84A Christiana Road, New Castle, Delaware, 19720.

5. Disagree. The alleged discriminatory acts began to occur on or about 1, March, 2004.
6. Disagree. The alleged discriminatory practice is continuing at this office. Defendant currently has other complaints filed against them with the United States District Courts in regard to the alleged discriminatory acts (Nancy Santana) as well Defendant has settled cases out of court related to the same acts. (Calvin Parsons)
7. Disagree. Defendant received a copy of the Charge of Discrimination complaint from the Delaware Department of Labor and Equal Employment Opportunity Commission, Philadelphia District Office, which was attached with the original complaint/summons.
8. Disagree. Defendant was provided with a copy of the charges from the Equal Employment Opportunity Commission, Philadelphia District Office.
9. Disagree. Defendant was provided with a copy of the Notice of Right to Sue from the Equal Employment Opportunity Commission, Philadelphia District Office. Copy of Notice of Right to Sue was mailed to Defendant by the Equal Employment Opportunity

Commission, Philadelphia Office December 28, 2005 was received by Plaintiff 2, January 2006.

10. Disagree. The alleged discriminatory acts, in this suit, concern:
  - A. Dismissal of Plaintiff's employment.
  - B. Failure to promote Plaintiff.
  - C. Retaliation with loss of medical coverage and harassment.
  - D. Other acts i.e. Equal/Fair Pay Act, Title VII of the Civil Rights Acts, Americans with Disabilities Act, Discrimination with Race.
11. Disagree. Defendant's conduct is discriminatory with respect to Plaintiff's race and Plaintiff's color. Several complaints have been filed against Defendant and have been settled out of court. Other filed complaints are still pending for the same conduct that occurred within the Division of Child Support Enforcement.
12. Disagree.
13. The Defendant is without sufficient information to form a belief as to the truth of this paragraph.
14. The Defendant is without sufficient information to form a belief as to the truth of this paragraph.

**First Defense**

15. The complaint does state a legal claim for which relief can be granted.

**Second Defense**

16. The plaintiff did properly exhaust her administrative remedies as required by law.

**Third Defense**

17. The matter is in whole, or in part is within the appropriate statute of limitation or response or by some administrative time requirement.

**Fourth Defense**

18. The matter is not barred by the Eleventh Amendment to the U.S. Constitution.

**Fifth Defense**

19. The district is within jurisdiction under Art. III § 2, clause 2. Due that my domicile is within the jurisdiction of the district court where complaint was filed and discrimination acts took place.

**Sixth Defense**

20. Complaint should not be dismissed due service of process to respondent was proper and sufficient.

**Seventh Defense**

21. The court is within personal jurisdiction over the Plaintiff and the complaint should not be dismissed.

Wherefore, the Plaintiff asks for judgment and its favor for all that is just and proper including this complaint to be heard in the United States District Court for the District of Delaware before a jury trial, monetary relief damages as awarded by the court and assessment of costs against the defendant.

**Plaintiff**

Jacqueline D. Berry  
20 Hickory Lane  
Dover, Delaware 19904  
(302) 399-8613

DATED: January 15, 2007

Two copies served via certified mail to STATE OF DELAWARE

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